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Request for Continued Examination (RCE) Transmittal

Address to:
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Alexandria, VA 22313-1450

Application Number	10/046,497
Filing Date	October 26, 2001
First Named Inventor	Er-Xuan Ping
Art Unit	2814 ✓
Examiner Name	Thao X. Le
Attorney Docket Number	MTI-31041-A

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

[Submission required under 37 CFR 1.114] Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
 - ii. Other _____
- b. Enclosed
- i. Amendment/Reply (22 pages)
 - ii. Affidavit(s)/Declaration(s)
 - iii. *Supplemental Information Disclosure Statement (IDS), Form 1449, copy of 3 references*
 - iv. Other _____
2. **Miscellaneous**
- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. Other _____
3. **Fees**
- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 23-2053
- i. RCE fee required under 37 CFR 1.17(e)
 - ii. Extension of time fee (37 CFR 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$ 750.00 (RCE fee) enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kristine M. Strodthoff	Registration No. (Attorney/Agent)	34259
Signature	<u>Kristine M. Strodthoff</u>		

Date SEPTEMBER 10, 2003

Express

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

EV 326236072 US

Name (Print/Type)	DAVID C. PORTER
Signature	<u>David C. Porter</u>

Date Sept 10, 2003

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Attorney Docket No. MTI-31041-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Ping, et al.
Serial No. : 10/046,497
Filing Date : October 26, 2001
For : Method For Forming Raised Structures by Controlled Selective Epitaxial Growth of Facet Using Spacer
Group Art Unit : 2814
Examiner : LE, Thao X.
Confirmation No. : 8624

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 as "Express Mail Post Office to Addressee" Mailing Label No. EV 326236072US.

Date: Sept 10, 2003

Mail Stop RCE
Commissioner for Patents
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Arlington, VA 22313-1450

RESPONSE

Sir:

This paper is in response to the Advisory Action mailed July 29, 2003. Applicant requests consideration of the pending claims in the above-identified patent application based on the remarks herein.

Remarks begin on page 2 of this paper.